

Federal Operating Permit

Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 3 and chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-360 through 9 VAC 5-80-700 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Mr. Terry Armstrong
Facility Name:	BFI Waste Systems of Virginia, LLC and GRS, LLC (Engine owner/operator)
Facility Location:	Charles City Road Landfill (CCRLF) Facility Atlantic Regional Office P.O. Box 219 Pineville, NC 28134
Registration Number:	51069
Permit Number:	PRO-51069

September 7, 2006
Effective Date

September 6, 2011
Expiration Date

Gerard Seeley, Jr.
Regional Director, Department of Environmental Quality

September 7, 2006
Signature Date

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I. Facility Information

Permittee

BFI Waste Systems of Virginia, LLC and GRS, LLC (Engine owner/operator)
Atlantic Regional Office
P.O. Box 219
Pineville, NC 28134

Facility

BFI Waste Systems of Virginia, LLC
Charles City Road Landfill Facility
2325 Charles City Road
Henrico County, Virginia

Responsible Official

Mr. Terry Armstrong
President

Facility Contact

Mr. Raymond McGowan
Environmental Manager
804-226-6197

County-Plant Identification Number: 51-087-0168

Facility Description:

NAICS Code 562212 - BFI Waste Systems of North America, Inc., Charles City Road Landfill Facility is a closed Municipal Solid Waste (MSW) landfill (closed since 1996 and stopped accepting waste in 1993). Estimated emissions were calculated from the NMOC generation rates from the Landfill Gas Emission Model (Land GEM) using Tier 2 data from a test completed in December 2003. The estimated NMOC emission rate is 39.99 megagrams and is below the 50 megagram emission rate that would make this facility applicable to formal Gas Collection and Control System requirements. The facility was permitted at 3.9 million megagrams and operates a Landfill Gas Collection and Control System (1,604 SCFM), Three (3) Waukesha L7042GL internal combustion engines (generators owned and operated by Gas Recovery Systems, LLC), an enclosed flare system, all operated in accordance with the Federal plan, 40 CFR 62, Subpart GGG and Virginia Rule 4-43 (implements 40 CFR 60, Subpart Cc). Since the Gas Collection and Control System has been operated since 1992 and the facility may elect to continue energy recovery, requirements found in 40 CFR 62, Subpart GGG indicates that a Title V permit should be issued to the facility and remain in effect until the requirements of 40 CFR 62, subpart GGG and the State Only requirements of Rule 4-43 are completed.

This facility was originally permitted on May 8, 1992 (NSR), permit was superceded October 28, 1992, February 22, 2001 including the Gas Collection and Control System (GCCS) and energy recovery internal combustion engines and finally revised on February 8, 2006 to include The Federal Plan (40 CFR 62, Subpart GGG). The facility is now in the process of Title V permit issuance.

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II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
P01	1	Municipal Solid Waste Landfill, Solid Waste Permit No. 129	3.9 million Megagrams 13 Million BTU/Hour (each) 49 Million BTU/Hour, 1640 scfm maximum	GCCS (1,604 SCFM) and Three (3) Waukesha L7042GL Internal Combustion (Landfill Gas) generators - <u>Primary</u> Enclosed Flare System – <u>Secondary</u> (Callidus technologies)	NA PCD-1 PCD-2 PCD-3 PCD-4	NMOC	February 8, 2006
		Landfill Surface and Roads	--	--	--	--	--

III. Process Equipment Requirements – P01

A. Limitations

1. The Nonmethane Organic Compound emissions from the landfill gas collection system shall be controlled by an enclosed flare. The enclosed flare shall have a minimum destruction efficiency of 98% by weight or 20 parts per million as hexane by volume, at 3 percent oxygen or less. The flare shall operate at a minimum temperature of 1450° F with a minimum residence time of 0.3 seconds. The flare shall be provided with adequate access for inspection. Flame presence shall be monitored using thermocouples or any other equivalent device. The permittee shall manually monitor the flare on a daily basis to ensure that it is operated and maintained in conformance with manufacturer's specifications.
(9 VAC 5-80-110, 9 VAC 5-80-490 B&C and Condition 3 of the NSR permit dated 02/08/2006)
2. Emissions from the internal combustion engines shall be controlled by limiting the consumption of landfill gas by the engines. The engines shall be equipped with a device to continuously measure the landfill gas consumed by the engines. The landfill gas measuring device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.
(9 VAC 5-80-110, 9 VAC 5-80-490 B&C and Condition 4 of the NSR permit dated 02/08/2006)
3. The approved fuel for the internal combustion engines and flare is landfill gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-1180, 9 VAC 5-50-260 and Condition 6 of the NSR permit dated 02/08/2006)
4. The internal combustion engines shall consume no more than 708,000,000 (708×10^6) standard cubic feet of landfill gas per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110, 9 VAC 5-170-160 and Condition 8 of the NSR permit dated 02/08/2006)
5. The flare shall consume no more than a total of 843,100,000 (843×10^6) standard cubic feet of landfill gas per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110, 9 VAC 5-170-160 and Condition 9 of the NSR permit dated 02/08/2006)
6. During concurrent operation of the three (3) combustion engines and the flare, the flare shall consume no more than 13,500,000 (13.5×10^6) standard cubic feet of landfill gas per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110, 9 VAC 5-170-160 and Condition 10 of the NSR permit dated 02/08/2006)
7. Emissions from the operation of each internal combustion engine shall not exceed the limits specified below:

	g/hp-hr	lb/hr	tons/yr
TSP		1.3	5.7
PM10		1.3	5.7
Nitrogen Oxides	0.90	2.9	12.8
Carbon Monoxide	2.25	7.3	32.1
Volatile Organic Compounds	0.25	0.8	3.6
Hydrogen Chloride		0.1	0.4

(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-180 and Condition 11 of the NSR permit dated 02/08/2006)

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8. Total emissions from the operation of all three internal combustion engines shall not exceed the limits specified below:

	lbs/hr	tons/yr
TSP	3.9	17.1
PM10	3.9	17.1
Sulfur Dioxide	0.1	0.5
Nitrogen Oxides	8.8	38.5
Carbon Monoxide	22.0	96.2
Volatile Organic Compounds	2.4	10.7
Hydrogen Chloride	0.3	1.2

(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-180 and Condition 12 of the NSR permit dated 02/08/2006)

B. Monitoring

9. **Visible Emissions Evaluations: Continuing Compliance** – Visible emissions from each internal combustion engine and enclosed flare stack(s) shall not exceed five (5) percent opacity as determined by EPA Method 9 (reference: 40 CFR 60, Appendix A). Once per month, the permittee shall conduct an observation of the presence of visible emissions from the three operating engines (PCD 1-3) and/or the flare (PCD 4). If visible emissions are observed, the permittee shall take timely corrective action such that the unit or units resume operation with no visible emissions, or perform a visible emissions evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from any of the three engines (PCD 1-3) and/or flare (PCD 4) does not exceed 5% opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observation exceeds 5% opacity, the VEE shall be conducted for sixty minutes. If compliance is not demonstrated by the VEE, timely corrective action shall be taken such that the operating engines (PCD 1-3) and/or flare (PCD 4) resumes operation that is in compliance with the opacity limit. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observation, type of operations, whether or not there were visible emissions, any VEE recordings and necessary corrective actions. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the engines (PCD 1-3) and/or the flare (PCD 4) to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Region.
- (9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-50-30 G, 9 VAC 5-50-50, 9 VAC 5-50-410 and Condition 14 of the NSR permit dated 02/08/2006)

C. Recordkeeping

10. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
- The consumption of landfill gas for each internal combustion engine (recorded monthly), including a running total of landfill gas consumption for each consecutive 12 month period.
 - The consumption of landfill gas for the enclosed flare (recorded monthly), including a running total of landfill gas consumption for each consecutive 12 month period.

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- c. The consumption of landfill gas for the existing flare, while operating concurrently with the three (3) combustion engines (recorded monthly), including a running total of landfill gas consumption for each consecutive 12 month period.
- d. The permittee shall maintain a visible emissions observation log to demonstrate compliance. The log shall include the date and time of the observations, type of operations, whether or not there were visible emissions, any VEE recordings and necessary corrective actions.
- e. The operating/firing temperature of the enclosed flare (recorded continuously).
- f. Operating procedures, maintenance schedules, and service records for all air pollution related equipment.
- g. Training records for all air pollution related equipment operators.
- h. A maintenance schedule for all process equipment.
- i. Scheduled and unscheduled maintenance records for all process equipment.
- j. Written operating procedures for all process equipment.
- k. Operator training records.
- l. Visible emissions log required in Condition III.A.9 (9 VAC 5-170-160 of State Regulations).

These records shall be available on site for inspection by the Department and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50 and Condition 15 of the NSR permit dated 02/08/2006)

D. Testing

- 11. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
(9 VAC 5-80-110, 9 VAC 5-50-30 F and Condition 7 of the NSR permit dated 02/08/2006)
- 12. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NMOC/VOC	EPA Method 18 or 25C
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM ₁₀	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110 and 9 VAC 5-80-110)

E. Reporting

- 13. The landfill gas collection system, internal combustion engines, and flare shall be operated in compliance with the Federal Plan under 40 CFR 62, Subpart GGG and 9 VAC 5-40-5800, Rule 4-43. The permittee shall submit annually an NMOC emissions rate report to the Administrator and DEQ using the procedure found in 40 CFR 60.757(b) and as required by 40 CFR 62.14355(a). The permittee shall submit an equipment removal report to the Administrator and DEQ 30 days prior to removal or cessation of operations of control equipment using the procedures in 40 CFR 60.757(e).

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(9 VAC 5-80-110, 9 VAC 5-170-160, 40 CFR 62.14355 and Condition 5 of the NSR permit dated 02/08/2006)

IV. Facility Wide Conditions

A. Limitations

14. Total emissions from the operation of all three internal combustion engines and the existing flare shall not exceed the limits specified below:

	lbs/hr	tons/yr
TSP	4.2	17.3
PM10	4.2	17.3
Sulfur Dioxide	0.1	0.4
Nitrogen Oxides	9.5	38.8
Carbon Monoxide	24.8	97.5
Volatile Organic Compounds	2.5	10.7
Hydrogen Chloride	0.34	1.5
Individual Hazardous Air Pollutants		9.0
Total Hazardous Air Pollutants		24.0

(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-180 and Condition 13 of the NSR permit dated 02/08/2006)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted	Rated Capacity (5-80-720 C)
T-1	Engine Oil Tank	9 VAC 5-80-720	VOC	1500 Gallons
T-2	Glycol Tank	9 VAC 5-80-720	VOC	500 Gallons
T-3	Waste Oil Tank	9 VAC 5-80-720	VOC	500 Gallons
T-4	Slop Oil Tank	9 VAC 5-80-720	VOC	500 Gallons
T-5	Compressor Oil Tank	9 VAC 5-80-720	VOC	500 Gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
NA		

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. Future Applicable Requirements

On May 23, 2002 EPA proposed amendments to the Part 60 landfill rule (67 FR 36476). The purpose of the amendments is to clarify the rule with respect to a) what constitutes an adequate landfill gas treatment system, b) exemption from control of landfill gas that is treated/upgraded, and 3) who is responsible for control of untreated landfill gas that is sold. Based on the October 31, 2005 edition of the Federal Unified Agenda (70 FR 65234), promulgation of the amendments should occur by October 2006.

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

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3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance

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monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the Federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

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1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be

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based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

September 7, 2006

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

State-Only Enforceable Requirements

September 7, 2006

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5 Chapter 40, Part II, Article 43: Emissions Standards for Municipal Solid Waste Landfills
 2. 9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions
 3. 9 VAC Chapter 50, Part II, Article 3: Standards of Performance for Toxic Pollutants
- (9 VAC 5-80-110 N and 9 VAC 5-80-300)

To: **Air Compliance Manager**
Department of Environmental Quality – Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

From: **(Facility Name)**

Registration No. _____

Re: **TITLE V ANNUAL COMPLIANCE CERTIFICATION**

Date:

 Please find attached our Title V Annual Compliance Certification for the period from ____/____/____ to ____/____/____. It identifies each term or condition of the permit that is the basis of the certification. All deviations and periods of non-compliance for the period have been addressed in semi-annual monitoring reports that have either been previously submitted or are enclosed.

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)

(Name & Title)

cc: Director, Air and Waste Division (Mail drop 3AP00)
United States Environmental Protection Agency -- Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(Annual Compliance Certifications are due 60 days following end of reporting period.)

To: Air Compliance Manager
Department of Environmental Quality – Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

From: (Facility Name)

Reg. No. _____

Re: PROMPT DEVIATION REPORT – Pursuant to Title V Permit

Date:

This confirms the deviation reported to the Regional Office at _____ o'clock on ____/____/____. The details are described below. The deviation may have caused excess emissions for more than one hour, consistent with specified averaging times. None of these deviations were related to a malfunction.

Start date & time:	End date & time:	Estimated Duration:
Deviation from which permit condition (<i>condition number and brief description</i>):		
Description of incident (<i>including emission unit affected</i>):		
Description of Monitoring Requirement for affected unit(s):		
Probable cause:		
Description of corrective measures taken (<i>demonstrating a timely & appropriate response</i>):		
Description of preventive measures taken:		

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)
(Name & Title)

To: Air Compliance Manager
Department of Environmental Quality – Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

From: (Facility Name)

Re: SEMI-ANNUAL MONITORING REPORT – Pursuant to Title V Permit

Date:

Reg. No. _____

The following monitoring report is submitted as required by our Title V permit. For the purposes of this report, deviation means (1) exceedances of emission limits, as determined by such means as stack testing, continuous emission monitors, parametric monitoring and EPA Method 9 visible emission evaluations; (2) excursions from control device operating parameter requirements such as afterburner temperature, scrubber flow rate, baghouse pressure drop; (3) excursions from operational restrictions things such as throughput, fuel quality, and coating VOC and HAP content; and (4) failure to meet monitoring, record keeping or reporting requirements. The report addresses all data points, which are above a standard, limit etc, according to the averaging period, if any, specified in the permit. If no averaging period is specified in the permit, then any monitored reading is considered a deviation to be reported. Deviations are reported regardless of whether they may have caused excess emissions or whether they were the result of a malfunction.

The period covered by the report is from ____/____/____ to ____/____/____.

During the reporting period:

- ☐ No deviations from permit requirements occurred during this semi-annual reporting period. (We conducted all required monitoring and associated record keeping and reporting. Required monitoring revealed no deviations from permit requirements.)
- ☐ We failed to conduct required monitoring/record keeping/reporting as explained on the attached form.
- ☐ We identified deviations as a result of required monitoring:
- ☐ Deviations were addressed in CEM Excess Emission Report(s) dated: _____
 - ☐ Deviations were addressed in Fuel Report(s) dated: _____
 - ☐ Deviations were addressed in MACT Report(s) dated: _____
 - ☐ Deviations due to malfunctions were addressed in letters dated: _____
 - ☐ Deviations were addressed in other report(s) dated: _____
 - Type of report: _____
 - ☐ Deviations were previously described in Prompt Deviation Reports dated: _____

 - ☐ “Other” deviations, which were not previously reported, are described in the attachment.

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)

(Name & Title

FAILURE TO MONITOR, KEEP RECORDS OR REPORT **Submitted as Part of Semi-Annual Monitoring Report**

Registration No. _____

Page ____ of ____

[illegible]

Annual Compliance Certification

Registration No. _____

Page _____ of _____

Cond. No.	TERMS & CONDITIONS CONTAINED IN THE PERMIT <i>(list in order)</i>	MEANS OF DETERMINING COMPLIANCE STATUS	TYPE OF DATA THE MEANS PROVIDES	PERIODS OF NON- COMPLIANCE
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No

“OTHER” DEVIATIONS

Submitted as Part of Semi-Annual Monitoring Report

Registration No. _____

Page _____ of _____

Condition No. & Description of Requirement	Description of Deviation (time, emission unit, description of event, cause)	Description of Associated Monitoring Requirement	Description of corrective measures taken (<i>demonstrating a timely & appropriate response</i>)

(Report deviations which may have caused excess emissions for more than one hour on a deviation report form, not here.)